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FRANK K. RICHARDSON NOMINATION

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON THE

NOMINATION OF

FRANK K. RICHARDSON TO BE SOLICITOR, DEPARTMENT OF THE INTERIOR

JUNE 21, 1984

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FRANK K. RICHARDSON NOMINATION

THURSDAY, JUNE 21, 1984

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m., in room SD-366, Dirksen Office Building, Hon. John Melcher presiding.

Present: Senators Melcher and McClure.

Also present: Gary Ellsworth, deputy chief counsel for natural resources; Tony Bevinetto, professional staff member; D. Michael Harvey, chief counsel for the minority; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. JOHN MELCHER, A U.S. SENATOR FROM THE STATE OF MONTANA

Senator MELCHER. The committee will come to order. I am starting this hearing this morning in order to expedite the proceedings. I am going to submit the statement of the chairman for the record, and it will become part of the record.

The purpose of the meeting is to have our public hearing on the nomination of Frank K. Richardson, Judge Frank K. Richardson, to be the Solicitor General for the Department of the Interior.

We will first hear from our colleague, Senator Pete Wilson, from the State of California, to introduce Judge Richardson.

[The prepared statement of Senator McClure follows:]

STATEMENT OF HON. JAMES A. MCCLURE, A U.S. SENATOR FROM THE STATE OF IDAHO

This morning the Committee will consider the nomination of Frank K. Richardson, who has been selected by the President to serve as Solicitor of the Department of the Interior. At the outset, I would like to state that I am most pleased that a candidate of Mr. Richardson's caliber has been chosen to assume the role of Solicitor. Mr. Richardson has a keen knowledge of law and the judicial process based upon a long and distinguished career in the public and private sectors. A graduate of Stanford Law School, he entered into private law practice in California in 1939, and also served as a Professor of Law at McGeorge School of Law from 1946 until 1951. He was subsequently appointed Presiding Justice of the Third District Court of Appeals in California in 1971 and served in that capacity until 1973. Mr. Richardson was then selected to be an Associate Justice of the California Supreme Court, and assumed that role until his retirement in December of last year. Since that time he has been a member of the faculty at Pepperdine Law School. I believe the nominee possesses the credentials and integrity necessary to carry out the functions of the Office of the Solicitor.

Mr. Richardson, I welcome you to the Committee this morning.

STATEMENT OF HON. PETE WILSON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator WILSON. Thank you very much, Mr. Chairman. I hope my voice will last. I need to explain to the Chair and anyone else the fact that the spirit was eager to come here and introduce Judge Richardson this morning. The flesh is lagging far behind, but let me go to the matter at hand and express my great pleasure at having what I consider to be a great honor. That is the honor to introduce Judge Frank K. Richardson to the committee.

He is here as the President's nominee for the position of Solicitor in the Department of the Interior, a position for which he is admirably suited.

To try to do justice to his truly brilliant and impressive record as a lawyer, as a jurist, a teacher, would require far more time and more than the rather bare-bones biography which the judge has all too modestly provided.

To give you just the basics, he began his legal education in distinguished fashion after graduating from Stanford University. He went on to Stanford Law where he also graduated. He subsequently was elected an honorary member of the Order of the COIF at the University of Southern California. He has continued in the tradition of excellence as a student of the law and as a teacher of it, and a writer by contributing over 400 major opinions as an appellate judge.

He has been the recipient of any number of honors, but he began the private practice of the law in Oroville, CA, and his service in the law was interrupted by service to his country in rather distinguished service in World War II in the military. He began as an enlisted man in the U.S. Air Force and was subsequently promoted successively to second lieutenant, and first lieutenant, participating as a member of a military intelligence unit, and won two battle stars in the European theater of operations.

After the war he then returned and continued in private practice in Sacramento, CA.

He has for the purposes of preparation for this position some rather remarkable experience. He has been a trial judge. He has been a presiding justice of the Court of Appeal in California in the Third District for a period of 3 years, and then from 1974 served for 9 years as an associate justice of the California Supreme Court.

Other than the time that he was on the bench, he also served as a very distinguished professor of law, and has come to us most recently from Pepperdine University Law School where he was a distinguished visiting professor.

He has found time to contribute to his community as a citizen outside of his profession by serving as the president of the Sacramento County Bar Association, in the YMCA, and on the World Affairs Council. He is, of course, very highly regarded by his fellows on the bench. He has been a member of the California Judges Association, of the executive committee of the conference delegates of the State bar, and the board of regents of the University of the Pacific.

What I think is perhaps most notable and does not appear in a brief outline of his accomplishments, is that he enjoys a reputa-

tion—not just in California, but outside the State in legal and judicial circles—as a distinguished scholar of the law and as a superb judge.

As I indicated, he has authored in excess of 400 California Supreme Court and Court of Appeals opinions which appear in the official California reports. He has written for the California Continuing Education of the Bar on California Civil Appeals. He has also authored annotations to the proposed California Commercial Code, and beyond the obvious experience, he brings this extensive and enviable background.

I think that it is important to say he is not only regarded as a superb student and teacher of the law, whether it be in the classroom or in the courtroom, but by virtue of his reputation for character, for fairness, for judicial temperament, and for absolute integrity, Judge Richardson is a model jurist even in a State where we have prided ourselves on giants in the courtroom and on the bench. My sole regret, Mr. Chairman, in presenting him to the committee is that I thought he was an invaluable member of the supreme court. He assures me that his replacement is a man of equal stature. I happen to know his replacement, and he is a spectacularly desirable addition to the court.

I only wish in one way that both of them were there, but that is not possible. Today he comes before us seeking to serve his Nation again but in a different capacity, as Solicitor in the Department of the Interior, and in that post he will be working with a former colleague, the Secretary of the Interior, who was with him a member of the California Supreme Court. I think that it says a great deal about Secretary Clark that he has been able to attract Judge Richardson to this post.

In this case, Mr. Chairman, it is with a sense of genuine pride as a Californian and with a sense of high honor that I present to you the nominee for the position of Solicitor of the Department of Interior, the Honorable Frank K. Richardson.

Senator MELCHER. Thank you very much, Senator. We will insert in the record at this point a statement by your colleague and our great friend, Senator Alan Cranston.

[The prepared statement of Senator Cranston follows:]

STATEMENT BY SENATOR ALAN CRANSTON BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE IN SUPPORT OF THE NOMINATION OF FRANK K. RICHARDSON TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR

Mr. Chairman, I'm sorry that I can't be here to introduce my fellow Californian Frank K. Richardson to the members of the Senate Energy and Natural Resources Committee. Nonetheless, I do want the Committee to know of my firm support of the nomination of Judge Richardson to be solicitor of the Department of the Interior.

Most recently Judge Richardson has been on the faculty of Pepperdine Law School in Malibu, California. From 1974 to 1983, he served with distinction on the California Supreme Court. Previously, he was the Presiding Justice of the Court of Appeals, 3rd District in Sacramento (1971–1974), a member of the National Institute of Justice Advisory Board (1966–1969), professor of law at McGeorge School of Law (1946–1951), and an attorney in private practice first in Oroville and then in Sacramento (1939–1971).

Judge Richardson's vast legal and judicial experience undoubtedly will serve him well at the Department of the Interior as solicitor. Judge Richardson is highly regarded in legal circles in California and I know of no objections to his appointment. Again, I'm pleased to support his nomination.

Senator WILSON. Excuse me, if you will permit me, Mr. Chairman, Judge Richardson's wife, Betty, and his son, Paul, are with us in the audience, and I am sure the Chair would enjoy meeting them.

Senator MELCHER. Yes; welcome to the committee. We are delighted to have both of you present.

Judge, the rules of the committee which apply to all nominees require that each nominee be sworn in connection with their testimony. Please rise and raise your right hand.

[Whereupon, Frank K. Richardson was duly sworn by Senator Melcher.]

Senator MELCHER. Thank you. Judge, before you begin your statement, there are four questions addressed to witnesses before this committee who are nominated for positions, and I would like to ask these questions of you.

Will you be available to appear before this committee and/or congressional committees to represent the departmental positions and respond to issues of concern to the Congress?

Judge RICHARDSON. I will.

Senator MELCHER. Your informational sheet, statement, has been submitted to the committee. However, it is required that this statement be made public unless the committee decides that special circumstances justify an exception.

Do you have any objection to the publication of your informational statement?

Judge RICHARDSON. No objection.

Senator MELCHER. Are you aware of any personal holdings, investments, or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the President?

Judge RICHARDSON. Mr. Chairman, I have been informed by the Department's designated agency ethics official that my financial interest in the Sacramento Municipal Utility District may create a conflict of interest.

To avoid such an occurrence, upon confirmation I have agreed to recuse myself from participating in any particular matter that comes before me as solicitor if that matter involves the Sacramento Municipal Utility District.

I have also agreed to limit my active participation in each board of which I am a member to avoid any conflict. I will seek the advice and counsel of the appropriate agency ethics official should any other potential conflict arise, and then take every necessary and appropriate action.

Senator MELCHER. Thank you. Are you involved or do you have any assets held in blind trust?

Judge RICHARDSON. No.

Senator MELCHER. Thank you, Judge, and you may proceed now.

STATEMENT OF FRANK K. RICHARDSON, NOMINEE TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR

Judge RICHARDSON. Mr. Chairman and members of the committee, I am deeply grateful for this opportunity of appearing before you today.

I am particularly grateful for the kindness and generous remarks of Senator Wilson who has given us a somewhat amplified description of my background, and I thought within a very few moments if permitted I might expand a little upon that.

I am a native Californian. I was born in St. Helena, CA. My father was a Methodist minister which meant that he moved around periodically from one church to another and during that period we lived successively in Napa, Sacramento, San Jose, and during the middle of my high school period we moved to Philadelphia and I graduated from the Germantown High School. I had my first year of college at the University of Pennsylvania, and then transferred to Stanford from which I graduated as Senator Wilson has indicated.

Following the commencement of my practice in Oroville, I met and married Mrs. Betty Richardson, my wife of 41 years whom you have already met. We have four sons, of whom the second, Paul, is with us today.

My military career has been described. I want to just stress some aspect of my private practice which began in 1946 in California.

Beginning in 1948, I practiced alone by myself almost entirely on the civil side, handled very few criminal matters, but the scope and ambit of my private practice on the civil side I think was really quite broad.

I handled family dissolution and conservatorship matters. I handled worker's compensation cases, corporate and finance matters. I had a fairly extensive probate practice. I tried many personal injury cases representing both plaintiffs and defendents. Indeed, when I left my practice in 1971, my secretary told me that I had tried more than 200 jury trials in the California courts. I represented many nonprofit organizations, and handled zoning, tax, and land cases, condemnation matters, and some governmental administrative practice, and appeals both civil and criminal.

I organized two irrigation districts in California—the Elk Grove and Galt Irrigation Districts. During my practice, I was teaching at the McGeorge Law School, both torts and evidence, for a period of 7 years. I was counsel for the California Commission on Uniform State Laws, at which time I drafted the first annotations to the proposed California Commercial Code.

I have tried to be as active as I could and was speaking rather considerably on legal matters and wrote also as has been indicated, chapters in the continuing education of the bar manual on California civil appellate practice.

I was active in bar association activities, serving as president of the Sacramento County Bar Association, and member of the California Committee of Bar Examiners, Committee on the Administration of Justice.

During this period also, my wife and I were traveling considerably, and had an opportunity, I think, to gain an exposure to the

cultures of a number of other lands, we visited about 35 countries in Asia, Africa, Europe, and South America. These experiences together have given me a feeling of breadth and of openness about the issues that would be faced by a job such as that of the solicitor.

I consider the position of the Solicitor of the Department of the Interior to be a very, very important position. It seems to me that the programs and the policy implementations of that Department are sweeping, so this is a serious responsibility for which I am asking your confirmation and approval.

My philosophy has been as I have described it in the statement before you. I believe that, where possible, litigation can and should be avoided. This is not always possible, and I quite readily concede that there may be a hard core of litigation matters which have to go and proceed all the way through to final judicial resolution, but my experience also has demonstrated to me repeatedly that litigation is expensive. It is slow. It is uncertain. To the extent that the Department's issues which involve so many different important areas of responsibility can be negotiated and can be settled by amicable means, I think these areas should be explored, while preserving at all possible times the position of the Federal Government on matters of principle. I think our taxpayers and citizens are served if these cases can be settled out of court on terms that are mutually fair, so it is my hope that in some way I can be useful and be of service to the people of this Nation. On that basis, I ask for your confirmation and will be very happy to respond to the questions that you may have.

Thank you, sir.

[The prepared statement of Judge Richardson follows:]

STATEMENT OF JUDGE FRANK K. RICHARDSON, NOMINEE FOR THE OFFICE OF THE SOLICITOR, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, June 21, 1984

Mr. Chairman and Members of the Committee, my name is Frank K. Richardson. I am grateful for the opportunity to appear before you today seeking your approval as the Solicitor of the Department of the Interior.

In order to assist you in evaluating my qualifications for this important position, I would like to tell you something of my background and experience.

I was graduated from Stanford University in 1935 with a B.A. degree and from Stanford Law School in 1938 with an LL.B. degree. Honorary Doctor of Law degrees have been received from Pepperdine University, Cal-Western University, San Diego, and Mid-Valley College of Law; and an honorary membership in the Order of the COIF received from the University of Southern California.

Except for service in the U.S. Army from 1942-45, I worked in the private practice of law in Oroville and Sacramento, California, from 1939-1971. During 1971-1974, I was the Presiding Justice, Third District Court of Appeal, California and served as an Associate Justice on the California Supreme Court from 1974-1983. During my service on the bench, I authored over 500 California Supreme Court and Court of Appeal opinions. Immediately prior to being nominated by the President for this position, I had served on the faculty of Pepperdine Law School in Malibu, California.

In addition to the legal work done, I have been involved in the work of the Sacramento Lions Club, Sacramento County Bar Association, California Judge's Association, Executive Committee of the State Bar of California, Board of Regents of the University of Pacific, Board of Directors of Methodist Hospital in Sacramento, and Board of Visitors at Pepperdine University and Whittier College of Law.

Throughout over 45 years of educational and professional involvement with the study and practice of law, I have developed an approach to the law that I would like to discuss with you today. The variety of personal and professional experiences each Senator brings to this Committee and the Senate has helped to shape personal and professional approaches to national issues, legislative projects, and problem solving in general. I feel that the lengthy and varied legal background brought before you today has likewise helped to shape certain attitudes and approaches that I would bring to the Office of the Solicitor of the Department of the Interior, if confirmed.

Let me add a few words reflecting my legal philosophy:

In my view, the management of the Department's land, mineral, wildlife and water resources is one of the most solemn responsibilities of the Federal Government. The people of the United States are entitled to fair, careful, and ever watchful supervision of the natural treasures of this Nation to the end that our rich heritage may be managed for the use and enjoyment of all of its present citizens and yet unborn Americans.

I believe the role of the Solicitor to be that of the attorney--and in a broad sense, counselor--to the Secretary of the Interior. As such, it is the Solicitor's obligation to give the Secretary and his staff accurate and unbiased counsel on the law. You may be assured that my advice and counsel will be independent, neutral, detached--and as objective as possible.

Secretary Clark has expressed his understandable concern with the substantial backlog of litigation, some of it long standing. He has expressed his hope that negotiated settlements might be reached in a number of cases involving the Department of the Interior. To that end, I will seek to identify those cases in which settlement opportunities for resolution of disputes exist.

A lifetime of experience has taught me that, generally speaking, litigation is slow, expensive and uncertain. I am persuaded that American citizens and taxpayers would be well served by sustained efforts to resolve as many disputes as possible by settlement, while recognizing that there is a hard core of cases which can be settled only by judicial intervention.

In the areas of disputes which have not yet reached the litigation stage, I believe in active negotiation and, where necessary, compromise. This does not mean that the Department can "give away the store." Rather, it means that the negotiation posture of the Government should be firm where a matter of legitimate principle is involved, but flexible in the means of reaching government's legitimate ends. Options and alternatives should be explored, and assessed in terms of the national interest.

I am very mindful that, while much of the Department's focus historically has been on activities in the West, the national interest necessarily includes all regions of the country--north, south, east, and west.

The resolution of issues requires a careful case-by-case balancing of all legitimate factors involved. I would welcome the opportunity to contribute to this process and believe that I have gained experience that will permit me to be useful.

If confirmed, I intend to maintain a Solicitor's Office which is open, consultative, and receptive to the Congress and its views, as well as other interested parties. The Solicitor's staff is a strong one and I would maintain its professionalism. I will try to be a faithful and hard working public servant and to maintain integrity and credibility in the decision-making process.

I believe this approach will assist me in providing the best advise and counsel to the Secretary, the Department, and the people we serve.

I will be happy to respond to any of your questions.

Senator MELCHER. Thank you, Judge. You have had a very remarkable career, not the least of which is your marriage to a very lovely lady.

Judge RICHARDSON. That's the best thing that ever happened to me, Mr. Chairman.

Senator MELCHER. I believe that is an honest statement, and you stated in your testimony and also in your printed material here before us that you were born in St. Helena.

Judge RICHARDSON. St. Helena, sir.

Senator MELCHER. Which I think is the sister city to our town of Helena, the State capitol. There is a tendency to mispronounce it, but since we mispronounce it, we are accustomed to it.

I want to commend you for your statement. Since you are in good health, you are prepared to work very hard. I think the Solicitor's job at Interior is very hard.

I also note that you mentioned you have had experience in your law practice with irrigation districts. I am delighted to hear that. One of the first things we will ask you to oversee or to unravel personally is some problems with irrigation districts in Montana managed currently by the Bureau of Indian Affairs. It is so tangled up in previous old statutes that it has been difficult to unravel.

I certainly welcome your appointment. I think that one of the diligent things we have to do on this committee and indeed as individual Senators from Western States is to know and be familiar with the work that the Solicitor does for Interior and be able to communicate with the Solicitor.

Thank you very much for your testimony. Thank you for accepting the nomination.

The Chairman, Senator McClure.

The CHAIRMAN. Thank you very much, Senator Melcher, and thank you for going ahead with the hearing. I am just amazed to find two Senators here this hour of the morning.

Senator WILSON. By Senate standards, you are early, too.

The CHAIRMAN. Well, after 14½ hours of sleep in the last 3 nights, I am a little tired. I think it is a tribute to you, Judge Richardson, that Senator Wilson is here this morning, bright and cheerful, and sitting throughout the hearing as well, rather than just coming to introduce you. He didn't run off to something else. It is also a tribute I think to Secretary Clark that you have been willing to undertake this task at his request.

As we mentioned in my office, I was somewhat curious to meet someone who, at your stage in life and following your distinguished career, is willing to undertake a new assignment of this nature. I commend both you for doing that and Secretary Clark for having been able to induce you to do it. As Senator Melcher has indicated, it is a tough job, and I think you will more fully understand the dimension of that 6 months from now than you perhaps do now.

I am a little surprised that Senator Melcher is saying those irrigation districts are managed by the BIA because usually when he refers to the BIA he says "mismanaged" or "supposed to be managed." You will get more familiar with that as time goes by, too. I do appreciate your willingness to serve your country, and serve the Secretary, and to serve all of us in a very demanding job.

You and I discussed briefly some of the philosophy that you have expressed in your statement. There is one thing that I didn't comment about and perhaps should mention now. Having myself served as counselor to public bodies and public officials for a number of years before I came to the Congress, I found myself in a minority of public attorneys who found our approach to the job different from that of the majority.

The majority it seems to me tend either to inject their own policy considerations into their advice or to offer the simple and easy advice of saying no unless they are certain that the answer is yes. Occasionally that interferes with the policy options of the public official who is being advised.

I always felt it was our duty to give them advice as to what the law was and what the consequences of their actions might be, but to leave the choice of those actions to the policymaking official. If the Secretary asks can we do this, the tendency on the part of many advisers is to say no, you can't do that. If it isn't clear that you can do that, it seems to me that more constructive assistance would be to find a way in which you could do it. I guess I would confess that I oftentimes also would look at the consequences, if indeed my judgment was wrong, to advise them with respect to what the penalty was. If you could find no penalty, all that could be done would be to say no, you can't do it, then to advise them there is no penalty. I am not sure you can do it, but if it is found you cannot do it, all anybody can do is make you quit, which is a little different than if there is a prison term associated with that judgment.

I wonder, Judge, you have been both in the practice as counselor and on the bench for many, many years, if you find anything familiar in what I have said?

Judge RICHARDSON. Oh, yes. I think there is much substance. The private practitioner in the law can be expected I think to perform two functions. He must be in a position professionally to give advice, to analyze the problem, to give to his client what he believes to be the applicable law; but also to add advice on the judgment which the client should take, preserving to the client the ultimate choice.

I see in this situation a somewhat different position, and I am sure that if called upon, the Solicitor may occasionally voice his own views, but I do not contemplate that I would immerse myself deeply in the policy aspects of the Department.

My view of the position of the Solicitor is that he is to give legal advice, as pure and pristine as is possible, leaving to the Secretary and officials of Interior the choice and the judgments that are made on the basis of that advice.

I think of myself as a lawyer, and I think of myself as performing best for the people and for the Secretary if I maintain a somewhat limited role in these areas, sir. Time may prove me wrong, but that is my present feeling.

The CHAIRMAN. I know you will find some people who work for you at the Interior Department who share that view of your role. I think you will also find some people who haven't made that distinction.

Judge RICHARDSON. I see.

The CHAIRMAN. Or perhaps have and haven't cared to hear the side of the decision that you have expressed. There are those within the Solicitor's Department who confuse their role, and believe that they are there to affect policy.

Sometimes I agree with them. If I like the results, I think it is a very good decision. If I don't like the results, I condemn it.

I, too, want to welcome Mrs. Richardson here this morning. I know that she will be a large part of your success in the future as she has been in the past. I can say something perhaps that Senator Melcher can't say, and that is I look forward to your service for the next 4½ years.

Senator MELCHER. I can say that. I think that all too often a change in the administration brings too much change in the nuts and bolts of the jobs of the Secretary and particularly the public servants in the Solicitor's Office. I don't believe that should there be a change in the Presidency it should necessarily change everything.

People are willing to continue to serve when they are doing an outstanding job.

The CHAIRMAN. I know of no further questions, and unless you, Senator Melcher, or staff have questions, we will leave the record open for the submission of questions in writing and your response to the record in writing.

Judge RICHARDSON. Yes, sir.

The CHAIRMAN. Obviously we would hope that those questions are brief. The record will remain open until the close of business today for the submission of those questions.

We would hope your responses are full, complete, accurate, and swift, because our ability to proceed further will depend upon how soon and how comprehensive those answers may be.

Judge RICHARDSON. Thank you, Senator.

The CHAIRMAN. I know of nothing else to come before the committee, Senator.

Senator MELCHER. The hearing is adjourned.

[Whereupon, at 10:37 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Biography and Informational Statement of Frank K. Richardson

BIOGRAPHY OF JUDGE FRANK K. RICHARDSON

On May 17, 1984, the President announced his intent to nominate Frank K. Richardson to be Solicitor of the Department of the Interior. At the time, Judge Richardson was serving on the faculty of Pepperdine Law School in Malibu, California.

In December, 1983, Judge Richardson retired from the California Supreme Court after having served as an Associate Justice since 1974. From 1971-1974, he was the Presiding Justice, Third District Court of Appeals, California. He entered the private practice of law in Oroville, California, in 1939 and practiced until entering the U.S. Army in 1942. After his discharge, he once again entered private practice from 1946-1971 in Sacramento. He also was a Professor of Law at McGeorge School of Law from 1946-1951.

Judge Richardson was graduated from Stanford University (B.A., 1935; LL. B., 1938) and has received Honorary Doctor of Law Degrees from Pepperdine University, Cal-Western University, San Diego, Mid-Valley College of Law, and an Honorary membership in Order of the COIF from the University of Southern California.

He has also served in the Sacramento Lions Club, Sacramento County Bar Association, California Judge's Association, State Bar of California Executive Committee, Board of Regents of the University of Pacific, and Board of Directors of the Methodist Hospital of Sacramento.

Judge Richardson is married and has four children. He was born February 13, 1914, in St. Helena, California.

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UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Richardson (LAST) Frank (FIRST) Kellogg (OTHER)

Position to which nominated: Solicitor - Dept. of Interior Date of nomination:

Date of birth: 13 (DAY) February (MONTH) 1914 (YEAR) Place of birth: St. Helena, CA

Marital status: Married Full name of spouse: Betty Kingdon

Name and ages of children: Stuart C. Richardson, 38; David H. Richardson, 29; Paul K. Richardson, 36; Eric K. Richardson, 32

Education:

Institution	Dates attended	Degrees received	Dates of degrees
U. of Penna	1931-1932	-	
Stanford U.	1932-1935	A.B.	1935
Stanford U.-LawSchool	1935-1938	LLB	1938

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

1939-1942 Private practice of law, Oroville, CA

1942-1945 U.S. Army - Private to 1st Lt. Mather Field (See below)

1946-1948 Associate, Private Practice of Law,
Sumner Mering, Esq., Cal-Western States Life Bl
10th & J Street, Sacramento, CA

1948-1971 Private solo practice of law,
Forum Bldg., Sacramento, CA, 1948-1953;
Cal-Western Bldg., 10th & J, Sacramento,1953-19

Employment record—Continued

1959-1971 - 800 Tenth Street, Sacramento, CA
Third District
1971-1974 - Presiding Justice, Court of Appeal, California

1974-1983 - Associate Justice, California Supreme Court

1984 - Distinguished Visiting Professor of Law - Pepperdine Law School, Malibu, CA.

Military service: Enter all military service if not included above: service, dates, rank, type of discharge.

1942-1943-U.S.Air Force, Mather Field, CA; Private to Corporal;
1943-CP Davis OCS, North Carolina, Corporal to 2nd Lt.;to

Camp Haan, CA; to Camp Ritchie,MD., 1944; to Special Assignment Military Intelligence (Ultra)-6th Army Group-Bletchley Park, England (1945) to Vitell,France, Landstuhl,Heidelberg, Germany, 1st Lt. Pentagon, 1945

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Crothers Law Scholarship - Stanford Law School

2 Battle Stars on European Theatre Medal

Phi Beta Kappa (Stanford) Honorary Doctor of Law Degrees

Pepperdine Univ.,Cal-Western U., San Diego, Mid-Valley College of Law; Order of the COIF (Hon.) U. So. California

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Sacramento Lions Club	President	1955
Sacramento Co.Bar Assn.	President	1963
Sacramento World Affairs	Council President	1970
California Judge's Assn.		1971-to date
State Bar of Calif., Exec.Comm.		1965-1969
Bd. of Regents-U. of Pacific		1975-to date

See Attachment I

Attachment I

Organization	Office Held	Dates
Board of Directors FEDCO Department Stores	Member	1984 to date
Board of Regents University of Pacific	Member	1977 to date
Board of Directors Methodist Hospital of Sacramento	Member	1965 to date
Board of Visitors Pepperdine University	Member	1982 to date
Board of Visitors Whittier College of Law	Member	1984 to date
Visiting Professor of Law Pepperdine University		1984 to date

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written.

Annotations to proposed California Commercial Code, 1958 California Printing Office;

Ch. 17 "Problems and Procedures after Remand," California Civil Appeals, Continuing Education of the Bar, 1964

Authored in excess of 400 California Supreme Court and Court of Appeal opinions, appearing in California Reporter, Volumes 119 to 199.

Qualifications:

State fully your qualifications to serve in the position to which you have been named.
(attach sheet) Exhibit A.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

See Exhibit B

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

No

3. Has anybody made you a commitment to a job after you leave government?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None, other than Sacramento Municipal Utility District Bonds. I will recuse myself from any matter concerning the District.

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None. I have had a use permit for a mountain cabin at Upper Echo Lake, El Dorado County, California, since 1950. Held from U.S. Forest Service, Department of Agriculture.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy.

None.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

No conflict; (other than bonds of Sacramento Municipal Utility District) but if it appears that one later arises, I will either, or both, recuse myself or seek advice and counsel from Designated Agency Ethics Official.

6. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them.

Again, I would seek advice and counsel from Designated Agency Ethics Official. Please see attached letter of May 23, 1984, addressed by Richard R. Hite to Mr. David H. Martin, copy of which has been referred to the Committee on Energy and Natural Resources and is attached.

Financial statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

Copy attached.

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None, other than vested interest in California Judge's Retirement System. (See attached letter of May 23, 1984.)

3. Are any assets pledged? (Add schedule.)

No

4. Are you currently a party to any legal action?

See Exhibit C.

5. Have you ever declared bankruptcy?

No

6. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

Yes

7. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Yes. A deficiency, promptly paid, more than a dozen years ago.

AFFIDAVIT

District of Columbia) ss

, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Frank K. Richardson

Subscribe and sworn before me this 8th day of June ,19 84

Donald A. Chendorain
Notary Public, District of Columbia

My Commission Expires March 31, 1987

Exhibit A

Statement of Qualifications for
Frank K. Richardson, Solicitor, Designate,
U.S. Department of the Interior

I have practiced law for approximately 30 years in California and have served on the highest California appellate courts for over 12 years. Both in my private practice and in my judicial career I have dealt with the legal aspects of many of the same types of issues which confront the Department of the Interior.

While this is my first experience, other than in the Army, in federal service, I believe that I have learned some adjudicative skills which, hopefully, will permit me to make a useful contribution. I am in good health and prepared to work very hard.

Exhibit B

I plan to maintain the following connections, but will receive no compensation therefore and will limit my participation to minimize any interference with my official responsibilities:

Member, Board of Regents
University of Pacific
Stockton, CA

Member, Board of Directors
FEDCO Department Stores
Santa Fe Springs, CA

Member, Board of Directors
Methodist Hospital of Sacramento
Sacramento, CA

Member, Board of Visitors
School of Law
Pepperdine University
Malibu, CA

Member, Board of Visitors
Whittier College of Law
Los Angeles, CA

Exhibit C

Actions Against the Justices
of the California Supreme Court:

Name of Case: Richard Alberton v. State Bar of California, et al.

Filed: April, 1983.

Alberton claims a denial of due process in a state bar proceeding. This case is currently pending in the Ninth Circuit, Court of Appeals.

Name of Case: Carl Jones v. California Unemployment Insurance Appeals Board et al.

Filed: August, 1983.

Request to review a denial of unemployment benefits. This case is still pending in a United States Federal District Court.

Name of Case: Halliwell v Eu, et al.

Filed: November, 1983.

Private attack on the California legislative reapportionment plan ordered on the 1982 elections.

Name of Case: Shemerdiak v. U.S. Supreme Court

Filed: May, 1984.

Plaintiff alleges his California Workmen's Compensation benefits were unlawfully reduced.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

June 7, 1984

Mr. David H. Martin
Director, Office of Government Ethics
Office of Personnel Management
1900 E Street, N.W., Room 436H
Washington, D.C. 20415

Dear Mr. Martin:

Enclosed is an updated financial disclosure report for Mr. Frank K. Richardson nominee for the position of Solicitor, U.S. Department of the Interior. This complete updated form contains additions to the Schedule A section of the report Mr. Richardson submitted on April 30, 1984. The additions provide clarifying information about the valuation of Mr. Richardson's interest in the California Mountain Cabin, his salary as Professor of Law at Pepperdine University, the value of the interest he earned on the Wells - Fargo Money Market Account and the amount of his pension income. Also, the previous entry reporting compensation in excess of $5,000 from Fedco Membership Department Stores has been deleted from Schedule D. As reported on the revised Schedule A, Mr. Richardson received only $4,000 in compensation for his services to Fedco.

The determinations expressed in my letter to you of May 23, 1984 are still accurate and are not changed by these minor revisions. Please forward certified copies of this updated report to the Senate Energy and Natural Resources Committee.

Sincerely,

(sgd) Richard R. Hite

Richard R. Hite
Principal Deputy Assistant Secretary -
Policy, Budget and Administration
and Designated Agency Ethics Official

Enclosure

cc:
Mr. Frank Richardson
Mr. Lawrence Garrett, WH
Mr. Dick Morris, SIO
Ms. Marian Horn, SOL/GL

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 23 1984

Mr. David H. Martin
Director, Office of Government Ethics
Office of Personnel Management
1900 E Street, N.W., Room 4316H
Washington, D.C. 20415

Dear Mr. Martin:

The financial statement filed by Mr. Frank K. Richardson for the position of Solicitor of the Department of the Interior has been reviewed in compliance with 5 CFR 734.604(a). Mr. Richardson's vested interest in the State of California Judge's Retirement System, the time he may need to spend attending meetings for Boards of Directors and his financial interest in bonds of the Sacramento Municipal Utility District raised minor issues under the statutory and regulatory prohibitions applicable to the Solicitor of the Department of the Interior. The resolution of each issue is explained below. Analysis of the other reported interests revealed no problems with any applicable conflict of interest statutes or regulations.

In addition to the Governmentwide conflict of interest prohibitions, the most important of which, for this review, is 18 U.S.C. §208, the Solicitor of the Department of the Interior is also subject to several prohibitions unique to our Department. The unique prohibitions are 18 U.S.C. 43; 30 U.S.C. 6; 30 U.S.C. 1211(f); 43 U.S.C. 11 and 43 U.S.C. 31a. Except for 30 U.S.C. 1211(f), each of these statutes is extended to the Solicitor of the Interior by Department regulations. I have compared each reported interest to the provisions cited and I have determined that none of Mr. Richardson's interests results in violation of these special provisions.

I conducted my analysis of Mr. Richardson's pension interest by using Formal Advisory Opinion 83 OGE 1, dated January 7, 1983. Opinion 83 OGE 1 states:

> "A government employee has a financial interest in a particular matter when there is a real possibility that he might gain or lose as a result of developments in or resolution of the matter.
>
> ...
> We are also of the view that where a pension fund is controlled by employees of the sponsoring organization, the Government employee ordinarily has a financial interest in matters affecting the organization."

In this instance the "organization" is the State of California. The manager of the Board of Administration Public Employee Retirement System for the State of California provided these facts:

1. Pension payments are made from a fund consisting of judges contributions, state matching funds, court fees, profits from fund investments and annually appropriated funds from the state treasury.

2. State law provides that sufficient funds must be appropriated to insure that state pension commitments are met. California Government Code §75107.

3. The Board administering the pension fund consists of elected state officials and state employees.

4. The Board is part of the California State Government structure as a unit or division under the California Secretary of Consumer Affairs.

As Solicitor it will be necessary for Mr. Richardson to be involved in particular matters involving the State of California. However, Mr. Richardson cannot gain or lose as a result of developments in or resolution of any particular matter since the legislature is required by state law to appropriate necessary funds to meet pension payments. The pension interest is vested and cannot be directly affected in any way by Mr. Richardson. Accordingly, it is my determination that his pension interest is too remote, too inconsequential and not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the Solicitor of the Department of the Interior. I believe a waiver to 18 U.S.C. §208 is not necessary.

Mr. Richardson reports that he is a member of the Board of Directors for Fedco Membership Department Stores and Methodist Hospital of Sacramento. Also, he is a member on the Board of Regents for the University of the Pacific. Department regulations at 43 CFR §20.735-23(b) permit outside work or other outside activity to the extent that it does not prevent the employee from devoting his primary interests, talents, and energies to the accomplishments of his work for the Department or create a conflict or apparent conflict between the employee's private interests and the employee's official responsibilities. I have determined that each of the organizations cited above has no business with the Department of the Interior. Therefore, Mr. Richardson's continued affiliation with them will not conflict or appear to conflict with his responsibilities as Solicitor.

If excessive time were to be required for attendance at Board meetings, Mr. Richardson's participation might possibly interfere with his ability to devote his primary interests to the position of Solicitor. Mr. Richardson has agreed to limit his active participation on each Board for the duration of his appointment to the position of Solicitor. He will retain his Board Director affiliations however, and the retention of his board positions is in compliance with our regulations.

I have determined that the Sacramento Municipal Utility District receives water for its Rancho-Seco Power Plant cooling system from the U.S. Bureau of Reclamation. Mr. Richardson has a financial interest in the Sacramento Municipal Utility District through his ownership of bonds issued by the District. It is remotely possible that a controversy

between the Bureau of Reclamation and the District could arise and that the matter would require input from the Solicitor's Office. To avoid violation of the provisions in 18 U.S.C. §208 and any appearance of impropriety, Mr. Richardson has agreed, upon confirmation, to recuse himself from participating in any particular matter that may come before him as Solicitor when that matter involves the Sacramento Municipal Utility District.

The Kellogg Ranch and the San Francisco Water Conservancy District do not receive water directly from the Bureau of Reclamation. Further, these and the other interests listed by Mr. Richardson are not related to any Department of the Interior programs or operations and therefore there are no other problems with any applicable conflict of interest statutes or regulations.

Sincerely,

(Sgd) Richard R. Hite

Richard R. Hite
Principal Deputy Assistant Secretary -
Policy, Budget and Administration
and Designated Agency Ethics Official

cc:
Mr. Frank Richardson
Mr. Lawrence Garrett, WH

278 (Rev. 2-81)
EGA (5 CFR) 734
[illegible] Amendment

FINANCIAL DISCLOSURE REPORT

Form Approved
OMB No. 3209-0007

Reporting Status (Check Appropriate Box)

- [ ] Incumbent
- [X] New Entrant, Nominee, or Candidate
- [ ] Termination Report

NOTE
All schedules must be filed. Enter "None" in areas or across schedules where appropriate.

DEPT. OF THE INTERIOR RECEIVED JUN 7 1984 ETHICS OFFICE

OGE Use Only: JUN 7 1984

	Last Name	First Name and Middle Initial
Reporting Individual's Name	Richardson	Frank K.
Position for Which Filing	Title of Position: Solicitor	Department or Agency (If Applicable): Department of the Interior
Location of Present Office	Address (Number, Street, City, State and Zip Code): 4140 Elderberry Lane, Sacramento, CA. 95325	Room Number:

Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.): Nominated May 21, 1984

Termination Date (If Applicable) (Month, Day, Year):

Telephone No. (Include Area Code): 916/489-9080

Presidential Nominees Subject to Senate Confirmation

Name of Congressional Committee Considering Nomination: Senate Energy and Natural Resources Committee

Do You Intend to Create a Qualified Diversified Trust?
- [ ] Yes
- [X] No

Position(s) in the Federal Government During Preceding 12 Months (If Different than Listed Above)

Title of Position(s) and Date(s) Held: NONE

Certification

I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.

Signature of Reporting Individual: Frank K. Richardson

Date (Month, Day, Year): June 6, 1984

Agency Ethics Official's Opinion

On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to the comments below).

Signature of Designated Agency Ethics Official/Reviewing Official: Richard R. Hite

Richard R. Hite
Designated Agency Ethics Official

Date (Month, Day, Year): JUN 7 1984

Office of Government Ethics Use Only

GD OGE 6-1-84

Signature: David A. Mark

Date (Month, Day, Year): 6-1-84

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

(Check box if comments are continued on the reverse side) [ ]

278-1/87

NSN 7540-01-351-9844

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INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependent child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes" have you reported the assets of the trust?		
If "yes", is this trust an "excepted" trust?		
or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X
If "Yes," do you certify to all of the following? 1. They represent solely your spouse's or dependent child's financial interest or responsibility; 2. They are not, in any way, past or present, derived from your income, assets, or activities; 3. You neither derive, nor expect to derive, any financial or economic benefit from them, and 4. You do not have knowledge as to the composition of such interest or liabilities.		

Page Number	2	Schedule A

Reporting Individual's Name: **Richardson, Frank K.**

Agency Use Only

Date of Filing (Month, Day, Year): JUN 7 1984

Special Cases (See Special Cases Part)	Identification	Income: Type of Income (✓) Dividends	Rent	Interest	Capital Gains Excepted Trust	Capital Gains Qualified Trust	Other (Specify)	Income: Category (Amount or Value) (✓) Amount not more than $1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$10,000	$10,001-$15,000	$15,001-$20,000	$20,001-$50,000	$50,001-$100,000	Actual Amount Only if Either Specified	Over $100,000 (Est. Dol. Val.) Only if Either Specified	Interests in Property (Real Property ✓) A	B	C	D	E	F
	Warehouse - Leased to Russ Transmission Co. 890 57th St. Sacramento, CA.	X										X						A			X		
	Kellogg Ranch, Kellogg Road Newcastle, CA.							X										A					X
S	Siller Bros., Promissory Note			X					X									H	X				
S	Soper - Wheeler, Promissory Note			X							X							H	X				
	Coop Apt.; Apt #1505, Fontana W. San Francisco, CA.							X										A					X
	1/4 int. in Duck Club, Butte Land Co., Sutter County, CA.	X							X									A		X			
	Calif. Mountain Cabin - Conditional Use Permit Fm. US Forest Service Echo Lake, CA.							X										A			X	(Cabin)	
	Dr. James Kassis/James Grauer Promissory Note			X							X							H			X		
	State of CA. Judges Retire. Plan						Pension									$ 3,883.20 $17,616.32	1983 1984*	H			X		
	Benicia School Dist. - Bond			X						X								H			X		
	Rocklin School Dist. - Bond			X						X								H			X		
	San Fran. Water Conserv. Dist-Bond			X						X								H			X		

* 1984 amount is the amount received through April 30, 1984.

SF 278 – Financial Disclosure Report
(rev. Feb 81)

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependent child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes", is this trust an "excepted" trust? ... or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X
If "Yes," do you certify to all of the following? 1. They represent solely your spouse's or dependent child's financial interest or responsibility; 2. They are not, in any way, past or present, derived from your income, assets, or activities; 3. You neither derive, nor expect to derive, any financial or economic benefit from them; and 4. You do not have knowledge as to the composition of such interest or liabilities.		

Page Number	3	Schedule A

Reporting Individual's Name: Richardson, Frank K.

Agency Use Only

Date of Filing (Month, Day, Year): JUN 7 ...

Owner (S) or Dependent Child (DC)	Identification	Income: Type of Income (✓) Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	Income: Category of Amount or Value (✓) None (or less than $201)	$201-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount (Only if "Other" Specified)	Date (Mo., Day, Yr.) (Only if Honoraria)	Interests in Property: Valuation of Assets (✓) Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Sacramento Municipal Util. Dist-Bond			X							X								H				X		
	Clovis School Dist. - Bond			X							X								H			X			
	PA Mutual Ins. Co. - Annuity			X					X										H					X	
S	1/3 int. (Canyon Creek Property) Sierra Co. CA.								X										H	X					
	Money Market Acct. - Wells Fargo Bank Ardentown Branch, Sacto			X								X							H				X		
	Metropolitan Ins. Co. - Annuity			X							X								A			X			
	Franklin Valley Hi Properties - Sacto			X						X									A		X				
	1/2 int. in residence on Church Street, LaPorte, CA.								X										A			X			
	Fedco (Membership Dept. Stores)							Directors Fees									$ 4,000*								
	Pepperdine University (Visiting Professor of Law)							Salary									$20,000*								

*Amounts received through April 1984.

SF 278—Financial Disclosure Report
(Rev 6-81)

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number	4	Schedule B

Reporting Individual's Name: Richardson, Frank K.

Agency Use Only

Date of Filing (Month, Day, Year): JN 7 1984

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (⌣)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	Not Applicable - Nominee											

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GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number	5	Schedule C
Reporting Individual's Name: Richardson, Frank K.		
Agency Use Only		
Date of Filing (Month, Day, Year): JUN 7 1984		

I. Lodging, Transportation, Food and Entertainment—*List each source totaling $250 or more in value*

Source (Name and Address)	Brief Description	Value
Not Applicable - Nominee		

II. All Other Gifts—*List each source totaling $100 or more in value*

Source (Name and Address)	Brief Description	Value
Not Applicable - Nominee		

III. Reimbursements—*List each source totaling $250 or more in value*

Source (Name and Address)	Brief Description	Value
Not Applicable - Nominee		

SF 278—Financial Disclosure Report
(rev. 6-91)

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Reporting Individual's Name	Agency Use Only	Page Number		Schedule
Richardson, Frank K.	Date of Filing (Month, Day, Year) JUN 7 1984		6	D

LIABILITIES

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	Category of Amount or Value (✓) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	NONE						

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
See Attachment I				

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Brief Description of Duties
NONE	

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
None other than as reported on Schedule A.		

ATTACHMENT I

Positions Held

From Schedule D

Positions Held	Type of Organization	From	To
Associate Justice	Supreme Court of California	1974	1983
Presiding Justice	Court of Appeal, Third District-Sacramento	1971	1973
Member, Board of Directors	FEDCO Department Stores Santa Fe Springs, CA	1984	Date
Member, Board of Regents	University of the Pacific Stockton, CA	1977	Date
Member, Board of Directors	Methodist Hospital of Sacramento Sacramento, CA	1965	Date
Member, Board of Visitors	School of Law Pepperdine University Malibu, California	1982	Date
Member, Board of Visitors	Whittier College of Law Los Angeles, California	1984	Date
Visiting Professor of Law	School of Law Pepperdine University Malibu, California	1984	Date

APPENDIX II

Responses of Frank K. Richardson to Additional Questions Submitted by Senator Metzenbaum

June 25, 1984

The Honorable James A. McClure
Chairman, Senate Committee on Energy
and Natural Resources
U. S. Senate
Washington, D. C. 20510

Dear Mr. Chairman:

Attached are my responses to the questions submitted by Senator Metzenbaum following my confirmation hearing on June 21.

Please let me know if you or any other Members of the Committee desire any further information.

Sincerely yours,

Frank K. Richardson

Frank K. Richardson
Nominee for Solicitor
Department of the Interior

Attachments

RESPONSES BY FRANK RICHARDSON, NOMINEE FOR SOLICITOR
AT THE DEPARTMENT OF THE INTERIOR
TO QUESTIONS SUBMITTED BY SENATOR HOWARD M. METZENBAUM

Q.1 Relying on a 1981 Solicitor's opinion, the Bureau of Reclamation is applying the 1970 interest rate of 3.342 percent to calculate repayment requirements on all features of the Central Arizona Project. Would you provide a legal opinion on whether the Department has the authority to apply prevailing Treasury borrowing rates for those CAP features not yet under construction?

A. It is my understanding that, based upon an October 1979 Associate Solicitor's opinion, written advice from the Solicitor's office in 1981 examined the interest rate issue raised in your question. If confirmed, I will promptly review both this opinion and advice and provide my opinion on this authority.

Q.2 Would you provide an opinion on whether the Department has the authority to study and/or reallocate costs of the Pick-Sloan project based on the current use of power?

A. I am informed that the issue you have raised is the subject of litigation in a case, now pending in the D.C. Circuit Court, entitled Platte River Power Authority v. Federal Energy Regulatory Commission, No. 89-1189, in which the Department is seeking to intervene. This case is being handled for the Department of the Interior by the Department of Justice. It is my further understanding that the Department of the Interior expects the Court to give a definitive judicial answer to your question. Accordingly, because this matter is in litigation, I feel it would be appropriate for me to defer my opinion. If confirmed, I would be pleased to provide you with a copy of the motion to intervene and the brief on this authority after such documents are reviewed by me and filed.

Q.3 Would you provide an opinion on the legality of Secretary Watt's 1983 decision to forgive two months interest owed to the Treasury by the Colorado River Commission of Nevada?

A. It is my understanding that as a result of the legal advice provided by the Office of the Solicitor in connection with the issue raised in your question #4, the Department is demanding that the Colorado River Commission of Nevada pay the full amount of disputed interest. If the Commission does not pay the full amount, this issue will be addressed in ensuing litigation, in which the Office of the Solicitor will be involved. If confirmed, I will review and provide you with a copy of the brief which deals with this issue in such litigation.

Q.4 It is my understanding that the Solicitor's office is currently preparing an opinion on the legality of the contract recently signed by the Department with the Colorado River Commission of Nevada implementing Secretary Watt's decision. Would you personally review this opinion prior to it being finalized and indicate whether you concur in its conclusions?

A. I am informed that the Office of the Solicitor was asked to examine the issue of whether there is any agreement between the Bureau and the Colorado River Commission of Nevada modifying the first stage repayment schedule for the Robert B. Griffith Project. It is my understanding that the nominee for Interior Assistant Secretary for Water and Science, Mr. Robert Broadbent, is providing you with a copy of this Associate Solicitor's opinion. If confirmed, I will promptly review this opinion and provide you with my views as to the conclusions reached.

Q.5 Would you provide an opinion on whether the "hammer clause" provision of the Reclamation Act of 1982 is constitutional?

A. I have been informed that the issue which you have raised was the subject of a letter from the Solicitor to the Assistant General Counsel for the General Accounting Office on April 22, 1983, and that it was further discussed in a letter from the Assistant Attorney General for Legislative Affairs to the Director of the Office of Management and Budget on September 26, 1983. If confirmed, I will insure that the Office of the Solicitor promptly reviews these documents and will advise you of my opinion on them.

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